

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALERE MEDICAL, INC., a California
Corporation,

Plaintiff,

v.

HEALTH HERO NETWORK, INC., a
California Corporation,

Defendant.

No. C 07-5054 CRB

BRIEFING ORDER

Pursuant to Civil L.R. 3-13, the parties have notified the Court that they are parties to a potentially related action pending in the United States District Court for the Northern District of Illinois. The Court finds that the parties' submissions, while raising the issue, do not sufficiently address the propriety of transferring this case to the Northern District of Illinois.

The parties are hereby ORDERED to submit supplemental briefs to the Court. In their briefs, the parties shall discuss whether it would serve the interests of justice to transfer this case pursuant to 28 U.S.C. § 1404(a). In particular, the parties should address the following issues:

1) The legal standard, as it currently exists in the Ninth Circuit, for transferring cases between federal districts under 28 U.S.C. § 1404(a);

1 2) Whether, in light of the governing legal standard, this case should be transferred to
2 the Northern District of Illinois.

3 The supplemental briefs shall be filed no later than November 14, 2007, at which time
4 the Court will determine whether a hearing is warranted. The parties are directed to limit
5 their briefs to a maximum of 12 pages.

6 **IT IS SO ORDERED.**

7 Dated: November 7, 2007



8 CHARLES R. BREYER
9 UNITED STATES DISTRICT JUDGE
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